

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>PAULETTE L. CARRUTHERS,</b>	:	
	:	
<b>Plaintiff,</b>	:	
	:	
<b>v.</b>	:	<b>CIVIL ACTION</b>
	:	<b>FILE NO. 1:10-CV-3123-WSD-LTW</b>
	:	
<b>BAC HOME LOANS SERVICING,:</b>	:	
<b>LP, FKA COUNTRYWIDE HOME:</b>	:	
<b>LOANS SERVICING LP,</b>	:	
	:	
<b>Defendant.</b>	:	

**BAC HOME LOANS SERVICING, LP'S  
MOTION TO DISMISS AMENDED COMPLAINT**

Defendant BAC Home Loans Servicing, LP ("BAC" or "Defendant") (improperly-named as "BAC Home Loans Servicing, LP, FKA Countrywide Home Loans Servicing LP") hereby moves to dismiss the Amended Complaint filed by Plaintiff Paulette L. Carruthers (the "Plaintiff"), pursuant to Federal Rule of Civil Procedure 12(b)(6). For the reasons set forth in BAC's contemporaneously-filed memorandum of law, Plaintiff's Amended Complaint fails to state a claim upon which relief can be granted, and should be dismissed in its entirety.

Respectfully submitted this 10<sup>th</sup> day of November, 2010.

**PARKER, HUDSON, RAINER & DOBBS LLP**

/s/ Darren E. Gaynor

William J. Holley, II  
Georgia Bar No. 362310  
Darren E. Gaynor  
Georgia Bar No. 288210  
Peter F. Busscher  
Georgia Bar No. 407228

1500 Marquis Two Tower  
285 Peachtree Center Avenue, N.E.  
Atlanta, Georgia 30303  
Telephone: 404-523-5300  
Facsimile: 404-522-8409  
E-mail: wholley@phrd.com  
E-mail: dgaynor@phrd.com  
E-mail: pbusscher@phrd.com

*Counsel for BAC Home Loans Servicing, LP*

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a copy of the within and foregoing **BAC HOME LOANS SERVICING, LP'S MOTION TO DISMISS AMENDED COMPLAINT** upon all parties to this matter via first class U.S. mail addressed to Plaintiff as follows:

Paulette L. Carruthers  
195 14th Street, 701  
Atlanta, Georgia 30309

This 10<sup>th</sup> day of November, 2010.

/s/ Darren E. Gaynor

Darren E. Gaynor